

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re:

**Denise Robin Marshall
d/b/a D Marshall and Associates
d/b/a Always Reaching Kids
1036 Rock Creek Drive
Wyncote, PA 19095**

**Case No.: 17-18008-AMC
Chapter 13**

**SECURED CREDITOR, WILMINGTON SAVINGS FUND SOCIETY, FSB D/B/A
CHRISTIANA TRUST AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT
OPPORTUNITIES TRUST III'S OBJECTION TO PLAN**

**COMES NOW, SECURED CREDITOR, WILMINGTON SAVINGS FUND SOCIETY, FSB
D/B/A CHRISTIANA TRUST AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT
OPPORTUNITIES TRUST III** (herein after referred to as "Secured Creditor"), by and through its undersigned counsel, and hereby files this Objection to the First Amended Chapter 13 Plan [Doc No. 69] filed by the Debtor and States as grounds the following:

1. On or about November 29, 2017, Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code.
2. On or about December 28, 2017, Debtor filed its proposed Chapter 13 plan. [Doc No. 12].
3. On or about November 29, 2018, Debtor filed its First Amended Chapter 13 Plan [Doc No. 69].
4. Secured Creditor claim is secured by a mortgage encumbering the real property owned by Debtor located 1036 Rock Creek Road, Wyncote, PA 19095 (hereinafter "The Property").
5. Secured Creditor is the owner and holder of the note and mortgage and has the right to

enforce the note and mortgage.

6. Secured Creditor has filed a Proof of Claim indicating the arrears and regular monthly payment.
7. The Plan fails to correctly list Secured Creditor. However, section 4(c) contains a Creditor named "Christina aba FServicing, Inc" with a claim amount of \$177,964,97, which is the exact amount of Secured Creditors Claim. The collateral address for "Christina aba FServicing, Inc" is also the same a Secured Creditors collateral. If "Christina aba FServicing, Inc" is intended to represent Secured Creditor, then Secured Creditor requests that this name be corrected to Secured Creditors true name: WILMINGTON SAVINGS FUND SOCIETY, FSB D/B/A CHRISTIANA TRUST AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST III.
8. Secured Creditor is entitled to attorneys' fees pursuant to 11 U.S.C. §1322(e). Said fees should be added to the balance of the Note and Mortgage pursuant to the terms of the loan documents, but not added to the Debtor's personal obligation once a discharge is received.

WHEREFORE, PREMISES CONSIDERED, Secured Creditor prays that the Debtor's Chapter 13 Plan be amended to include the correct creditor name or grant Secured Creditor in rem relief from stay together with fees as set forth above, and for any other relief this Honorable Court deems Secured Creditor is entitled.

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached service list, on January 2, 2019.

I HEREBY CERTIFY that I am admitted to the Bar of the United States Bankruptcy Court for the Eastern District of Pennsylvania, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

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Attorneys for Secured Creditor

By: /s/ Kathryn Wakefield
Kathryn Wakefield, Esq.
PA Bar ID# 85395

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd Day of January 2019, I served a copy of the foregoing by regular U.S. Mail or the Court's CM/ECF system to the following parties listed on the below service list:

SERVICE LIST

Denise Robin Marshall
1036 Rock Creek Drive
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Denise Robin Marshall c/o
DAVID M. OFFEN
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Trustee

WILLIAM C. MILLER, Esq.

Chapter 13 Trustee

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Philadelphia, PA 19105

U.S. Trustee

United States Trustee

Office of the U.S. Trustee

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By: /s/ Kathryn Wakefield

Kathryn Wakefield, Esq.

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